

17 MAG. 9569

Approved by: Lori L. Doughty  
LORI DOUGHTY  
Special Assistant United States Attorney

Before: THE HONORABLE MARTIN R. GOLDBERG  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA : MISDEMEANOR  
 : COMPLAINT  
 :  
-v- : Violation of  
 :  
 : NY PL 265.01  
FREDERICK M. SMITH :  
 : COUNTY OF OFFENSE:  
Defendant : ORANGE  
 :  
- - - - -x

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERIC SPANER, being duly sworn, deposes and says that he is a Court Liaison assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about October 14, 2017, at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, FREDERICK M. SMITH, the defendant, unlawfully, knowingly and willfully possessed a dagger, dangerous knife, dirk, machete razor, stiletto, imitation pistol, or any other dangerous or deadly weapon, instrument or weapon, to-wit, the defendant possessed a CO2 BB gun pistol and two throwing knives.

(New York Penal Law, Section 265.01)

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.

2. On or about October 14, 2017 at approximately 10:00 a.m., MP Officer Phillips notified 1LT Milby and SSG Mansfield that he thought a contractor, later identified as the defendant, was carrying a pistol, due to the fact that he had a large bulge in his back waist. 1LT Milby and SSG Mansfield approached the defendant and the defendant admitted he had a pellet gun in his back waist.

3. SSG Mansfield searched the defendant and removed the pellet gun and two knives. The defendant was transported to the Provost Marshal Office. The defendant was advised of his rights and declined to make a statement. He was processed and fingerprinted.


4. The defendant was issued a District Court Violation Notice for Criminal Possession of a Weapon in the Fourth Degree (DCVN number 6687480/SY10 and was released on his own recognizance.

**WHEREFORE**, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



ERIC SPANER  
Court Liaison

Sworn to before me this  
28th day of December, 2017

HONORABLE MARTIN R. GOLDBERG  
United States Magistrate Judge  
Southern District of New York